

### **Amendments to the Drawings:**

The attached sheets of drawings include changes to Fig. 2. These sheets, which include Figs. 2a and 2b, replace the original sheet including Fig. 2. In Figure 2, the figure has been split into two portions—2a and 2b—to more clearly illustrate the details therein.

Attachment: Replacement Sheets  
Annotated Sheet Showing Changes

## REMARKS/ARGUMENTS

### *Status*

This reply is a Request for Continued Examination including an amendment and response to the Office Action mailed June 11, 2009, in which the following rejections were set forth: Claims 1, 4, and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ellion*; Claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ellion* as applied to Claim 1, and further in view of *Hahn*; Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ellion* as applied to Claim 3, and further in view of *Frey*; Claims 10, 12, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ellion* as applied to Claim 1, and further in view of *Donohue*; Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ellion* in view *Donohue* as applied to Claim 10, and further in view of *Baum*; and, Figure 2 has been objected to for failing to clearly illustrate the details therein.

By this response, Claims 1, 5, 8, and 9 have been amended, Claims 19 and 20 have been added, and no claims have been canceled. As such, Claims 1 and 4-13, 19, and 20 are pending in this application.

### *Specification*

The Specification has been amended to correspond with the amendments to the figures wherein Figure 2 was split into two portions—2a and 2b. No new matter was added to the Specification.

### *Drawings*

Figure 2 has been objected to for failing to clearly illustrate the details therein. Applicant herein provides an amended Figure 2, which has been split into two portions—2a and 2b—to more clearly illustrate the details therein. No new matter has been introduced into Figure 2 (2a and 2b).

In view of the amendments to Figure 2, Applicant requests the objections to the drawings be removed and respectfully submits that the application is in condition for allowance.

### *Claim Rejections § 112, ¶2*

Applicant has amended Claims 8 and 9 to more particularly point out and distinctly claim the

subject matter that Applicant regards the invention. As such, Applicant contends that all pending claims particularly point out and distinctly claim the subject matter that Applicant regards as the invention and therefore requests that the rejections be removed and that the pending claims be allowed to issue.

*Claim Rejections § 103(a)*

The Examiner contends that independent Claim 1, as well as dependent Claims 4 and 5, are not patentable in view of *Ellion*, specifically the embodiment of figure 7 in connection with figures 6a and 6b that depict details of the pump. The Examiner contends that in this known device a single pump 64 is utilized. Upon closer examination of *Ellion* however, the structure disclosed is not a single pump but two different pumps that are mechanically serially connected. The first of these pumps includes the piston 41, and the second of these pumps includes the piston 44. Piston 41 cooperates with its cylinder to define a working space 67 having an inlet 65 and an outlet 66. In accordance with *Ellion*'s description, a check valve opening towards the interior of the cylinder is provided at the inlet 65, while a check valve opening towards the exterior is provided at the outlet 66 of the cylinder. The piston 41 of the upper pump is rigidly connected to an actuating rod 40, and the structure disclosed is a single acting pump.

The lower pump 44 is positively controlled by the piston 41 of the upper pump. This is achieved by a pushing member (no corresponding reference numeral in figures 6a and 6b). Movement of the lower pump in a downward direction is via the pushing member and movement of the lower pump in an upward direction is controlled by a spring 50. The pushing member at the same time forms a shuttle valve closing one of two valve seats which are formed in the lower side of the piston 41 and the lower side of the lower piston 44, respectively.

In *Ellion*'s device therefore, the outlet 61 of the pump is connected to the rinsing pipe only for discharge of liquid, while port 65 is exclusively used for withdrawal of liquid. As such, *Ellion* fails to disclose a single piston which warrants discharge and withdrawal of a therapeutic liquid at the same time.

Applicant's Claim 1 has been amended to more clearly distinguish at least these differences over *Ellion*. Therefore, because *Ellion* fails to disclose, teach, or suggest its modification to include each and every element of Applicant's amended independent Claim 1—and all claims ultimately

dependent thereon—Applicant respectfully submits that these claims are in a condition for allowance and therefore requests that their rejections be removed and the claims be allowed to issue.

*New Claims*

New independent Claim 19 corresponds to the combination of original Claims 1, 4, and 8, which is directed to a pump including a pneumatic servo-cylinder.

New independent Claim 20 corresponds to the combination of original Claims 1 and 4, wherein a difference between the diameters of the two working spaces of the double acting pump cylinder is incorporated, which provides for part of the liquid always being sucked back, while another complementary portion of fresh liquid is supplied from the supply vessel.

No new matter has been added by new Claims 19 and 20 and Applicant requests their passage to allowance.

## CONCLUSION

Based upon the above amendments and remarks, Applicant respectfully requests that all rejections be removed and all pending claims be passed to issuance.

If any additional charges or fees are required with this correspondence, the Commissioner is authorized to debit Applicant's counsel's Deposit Account No. 50-0545 in the amount of such charges and/or fees.

Respectfully Submitted,

  
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<b>CERTIFICATE OF FIRST CLASS MAILING</b>
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop – Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December <u>11</u> , 2009.
 Yolanda Solis